

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEVA PHARMACEUTICALS USA,)
Inc. and TEVA PHARMACEUTICAL)
INDUSTRIES LTD.,)
Counterclaim Plaintiffs,)
v.) Civ. No. 02-1512-SLR
) (Consolidated)
ABBOTT LABORATORIES,)
FOURNIER INDUSTRIE ET SANTE,)
and LABORATOIRES FOURNIER S.A.,)
Counterclaim Defendants.)

IMPAX LABORATORIES, INC.,)
Counterclaim Plaintiff,)
v.) Civ. No. 03-120-SLR
) (Consolidated)
ABBOTT LABORATORIES,)
FOURNIER INDUSTRIE ET SANTE,)
and LABORATOIRES FOURNIER S.A.,)
Counterclaim Defendants.)

IN RE TRICOR DIRECT PURCHASER) Civ. No. 05-340-SLR
ANTITRUST LITIGATION) (Consolidated)

IN RE TRICOR INDIRECT PURCHASER ANTITRUST) Civ. No. 05-360-SLR
LITIGATION) (Consolidated)
)

O R D E R

At Wilmington this 3d day of April, 2008, having conferred with counsel;

IT IS ORDERED that:

1. **Class certification.** Defendants may file a supplemental brief (limited to 10 pages) in opposition to plaintiffs' motions for class certification on or before **April 17, 2008**. Plaintiffs may file responses to the above (limited to 10 pages) on or before **May 1, 2008**. The court shall conduct oral argument on class certification on **May 9, 2008** starting at **1:30 p.m.** in courtroom 6B sixth floor Federal Building, 844 King Street, Wilmington, Delaware. The class proponents (direct and indirect purchasers) each shall have 20 minutes in which to present their arguments; defendants (collectively) shall have 40 minutes in which to present their arguments.

2. **Bifurcation.** The case will proceed forward only on liability issues. All issues related to damages shall be stayed until further order of the court.

3. **Summary judgment.** The parties may file summary judgment motions related to two issues: market definition and the propriety of the patent litigations. The motions, along with opening briefs and appendices, shall be filed on or before **May 1, 2008**. Responsive briefs and appendices shall be filed on or before **May 29, 2008**. Reply briefs shall be filed on or before **June 12, 2008**. The court shall conduct oral argument on the summary judgment motions on **June 27, 2008** starting at **1:30 p.m.** in courtroom 6B sixth floor Federal Building, 844 King Street, Wilmington, Delaware. Counterclaim defendants shall have (collectively) 1.5 hours in which to present their arguments; counterclaim plaintiffs shall have (collectively) 1.5 hours in which to present

their arguments.

4. **Daubert motions.** All Daubert motions shall be filed on or before **September 22, 2008**; responses shall be filed on or before **September 29, 2008**.

5. **Pretrial conference.** A pretrial conference shall be conducted by the court in courtroom 6B on **October 6, 2008 at 4:30 p.m.** The court does not allow motions in limine to be filed; all evidentiary issues shall be identified in the parties' proposed pretrial order, which order shall be filed with the court on or before **September 29, 2008**, along with proposed voir dire and preliminary and final jury instructions. At the pretrial conference, the court will issue a specific trial schedule with the number of trial hours allocated to each litigant group.

6. **Trial.** The court has set aside the weeks of **November 3, November 10 and November 17, 2008** for the above captioned cases to be tried to the same jury on all issues related to liability.



United States District Judge